

FILED IN CHAMBERS
U.S.D.C ATLANTA

Date: Dec 03 2021

United States District Court

NORTHERN DISTRICT OF GEORGIA

KEVIN P. WEIMER , Clerk

By: s/Dana Grantham
Deputy Clerk

UNITED STATES OF AMERICA

v.

MATTHEW J. WEBLER

CRIMINAL COMPLAINT

Case Number: 1:21-MJ-1144

I, Andrea L. Coble, the undersigned complainant being duly sworn depose and say under penalty of perjury, the following is true and correct to the best of my knowledge and belief. On or about December 3, 2021 in DeKalb County, in the Northern District Georgia, defendant did, possess a firearm after having been convicted of a felony offense, possess methamphetamine and possess silencers and a short-barrel rifle with registering with the National Firearms Registration and Transfer Record

in violation of Title 18, United States Code, Section 922(g)(1) (felon in possession of a firearm; Title 21 United States Code, Section 844 (possession of a controlled substance); and Title 26, United States Code Sections 5841, 5845 and 5861(d) (possession of an unregistered short-barrel rifle and silencers).

I further state that I am a(n) Special Agent of the Federal Bureau of Investigation and that this complaint is based on the following facts:

PLEASE SEE ATTACHED AFFIDAVIT

Continued on the attached sheet and made a part hereof. Yes



Signature of Complainant
Andrea L. Coble

Based upon this complaint, this Court finds that there is probable cause to believe that an offense has been committed and that the defendant has committed it. Sworn to me by telephone pursuant to Federal Rule of Criminal Procedure 4.1.

December 3, 2021

Date

at Atlanta, Georgia

City and State

CATHERINE M. SALINAS

UNITED STATES MAGISTRATE JUDGE

Name and Title of Judicial Officer



Signature of Judicial Officer

**AFFIDAVIT IN SUPPORT OF
AN APPLICATION FOR A COMPLAINT**

I, Andrea Coble, being first duly sworn, hereby depose and state as follows:

INTRODUCTION AND AFFIANT BACKGROUND

1. I make this affidavit in support of an application for a complaint for MATTHEW J. WEBLER.

2. I have been employed as a Special Agent of the Federal Bureau of Investigation (FBI) since April 2021. I am assigned to the FBI office in Atlanta, Georgia where I work on the Domestic Terrorism (DT) Squad. I received extensive training in federal criminal matters and investigative techniques while attending the New Agent Training at Quantico, Virginia and continue to receive training related to domestic terrorism matters through the FBI and our local partners.

3. I am currently part of the Joint Terrorism Task Force, and I am responsible for the investigation of domestic terrorism activities. I have investigated federal criminal violations which are intended to intimidate or coerce a civilian population, influence the policy of a government by intimidation or coercion, or affect the conduct of a government by mass destruction, assassination, or kidnapping. Through my training and experience, I have become knowledgeable in the tactics and techniques used by domestic and foreign terrorists and others who perpetrate or threaten acts of violence, including the means by which such individuals communicate and plan operations. As part of these investigations and others, I have participated in physical surveillance, worked with confidential human sources, conducted interviews, served subpoenas, and executed search, seizure, and arrest warrants. Moreover, I am a federal law enforcement officer who is engaged in

enforcing the criminal laws, and I am authorized by the Attorney General to request a search warrant

4. The facts in this affidavit come from my personal observations, my training and experience, and information obtained from other agents, witnesses, and agencies. This affidavit is intended to show merely that there is sufficient probable cause for the requested warrant. It does not set forth all of my knowledge, or the knowledge of others, about this matter.

5. As outlined below, based on my training and experience and the facts as set forth in this affidavit, there is probable cause to believe that MATTHEW J. WEBLER possessed ammunition after having been convicted of a felony offense, in violation of 18 U.S.C. § 922(g)(1) instrumentalities, contraband, and/or fruits of the specified crimes, as further described in Attachment B and that this evidence is relevant and material to the ongoing investigation.

6. Specifically, there is probable cause to believe that MATTHEW J. WEBLER has violated the following federal firearms laws: 18 U.S.C. § 922 (g) (felon in Possession of a firearm), 21 U.S.C. § 844 (possession of methamphetamine) and 26 U.S.C. §§ 5841, 5845 and 5861(c)(possession of a short-barrel rifle and silencers, without being registered in the National Firearms Transfer Record

JURISDICTION

7. This Court has jurisdiction to issue the requested warrant because it is a “court of competent jurisdiction” as defined by 18 U.S.C. § 2711. 18 U.S.C. §§ 2703(a), (b)(1)(A), and (c)(1)(A). Specifically, the Court is “a district court of the United States . . . that – has jurisdiction over the offense being investigated.” 18 U.S.C. § 2711(3)(A)(i). As discussed more fully below,

acts or omissions in furtherance of the offenses under investigation occurred within Washington, DC. *See* 18 U.S.C. § 3237.

PROBABLE CAUSE

Background – Washington DC Search for Webler’s Facebook Account

8. While investigating a crime, records obtained by the Federal Bureau of Investigation (FBI) through a Search Warrant on Google identified a mobile device associated with mattwebler79@gmail.com, Device ID 1696409822, username “Matthew Webler,” with the recovery phone number 1-678-315-3782. According to records from Google the account associated with mattwebler79@gmail.com is registered to MATTHEW JAY WEBLER, phone number 678-920-9655, 2030 Shamrock Drive, Decatur, Georgia 30032.

9. Records from the State of Georgia confirm that MATTHEW JAY WEBLER, date of birth January 6, 1979, has a listed address of 2030 Shamrock Drive, Decatur, Georgia 30032.

Washington DC search warrant for Facebook to look for evidence of Capitol Hill Riot

10. On October 13, 2021, United States Magistrate Judge G. Michael Harvey in the United States District Court for the District of Columbia issued a search warrant authorizing the government to search WEBLER’s Facebook account and seize evidence related to WEBLER’s participation in the incident commonly referred to as the Capitol Riot that occurred on January 6, 2021. The District of Columbia search warrant authorized the government to search and seize evidence from WEBLER’s Facebook account regarding the Capitol Hill Riot. On October 18, 2021 a Search Warrant (case number 21-sc-3030), for the WEBLER’s Facebook Account was executed. Facebook delivered the returns for the Search Warrant via download from an online Law Enforcement Portal. The download package from Facebook included a 9640-page document

detailing content and activity on the Facebook Account, as well as a “Linked Media” which contained 2358 images and videos posted by the account. Upon review of the materials from WEBLER’s Facebook Account obtained by executing the Search Warrant, Agents identified evidence of what appeared to be violations of federal firearms laws.

U.S. Magistrate Judge Cannon issues a search warrant to look for firearms violations

11. Consequently, on November 18, 2021, the FBI applied for and obtained a search warrant from United States Magistrate Judge Regina Cannon in case number 1:21-MC-2316 for WEBLER’s Facebook account that authorized the FBI to look in greater detail for federal firearms violations.

12. While executing the search warrant issued by Magistrate Judge Cannon, FBI Agents observed discussions, posts, and images of firearms and ammunition posted to the WEBLER’S Facebook Account. And WEBLER wrote about purchasing firearm parts, building firearms, milling firearm accessories, and posted photos of himself holding firearms and ammunition. In addition to the posting of photos and writing about firearms, WEBLER wrote a post which acknowledged the existence of firearms laws and regulations and explained that he did not respect the authority of the Bureau of Alcohol, Tobacco, Firearms, and Explosives, and stated that gun laws are illegal. WEBLER also posted a video of him test-firing a rifle with a silencer.

13. Specifically, on April 14, 2021 and April 29, 2021, he discussed assembling a rifle, obtaining firearms parts from online retailers, a short-barrel rifle and milling a gun part, in addition to posting photos of rifles and parts. Also, on April 14, 2021, WEBLER mentioned shooting a firearm with a silencer. On May 16, 2021, WEBLER discussed obtaining triggers. On August 9, 2021 he commented that there is no such thing as an illegal weapon. Then on August

30, 2021, WEBLER posted the following message indicating that his illegal activities were ongoing and that he had no intention of stopping: "I gave up on staying out of jail. They're going back and getting me for posts from 2 years ago. 3 in the last 2 weeks. I decided I'm just gonna shitpost until they shut me down then I'll come back as someone else and go harder." On September 26, 2021, WEBLER posted a video to Facebook in which he took a rifle with a silencer/sound suppressor to a range to shoot and he commented, "quiet, quiet" and wrote "whisper quiet". On this same date he posted an image of 300 blackout subsonic, 220 grain HPBT ammunition.

WEBLER is a convicted felon

14. Agents have reviewed WEBLER's criminal history. Records from Bartow County Superior Court show that in October 2000, WEBLER was convicted of Aggravated Assault and Theft by Taking a Motor Vehicle, felony offenses punishable by more than one year of imprisonment. The Court sentenced him to 20 years: 5 years to serve in prison with the balance on probation. Records show WEBLER stabbed the victim with a knife multiple times.

15. Records from the Gwinnett Superior Court show that WEBLER was twice convicted of burglary on February 1, 2012 and March 24, 2015, felony offenses punishable by more than one year of imprisonment. The Court sentenced him to 10 years: 2 years' confinement with the balance on probation for the 2012 conviction. The Court sentenced him to 8 years: 19 months' confinement with the balance on probation for the 2015 conviction.

The FBI obtained and executed a search warrant for 2030 Shamrock Drive

16. Based on comparison of photographs that WEBLER posted on Facebook with photographs posted on Zillow of 2030 Shamrock Drive, Decatur, Georgia violations of federal firearms laws appeared to be occurring at 2030 Shamrock Drive. Consequently, on or about

December 2, 2021, the FBI applied for and obtained a search warrant from United States Magistrate Judge Catherine M. Salinas for WEBLER's residence at 2030 Shamrock Drive, Decatur, Georgia.

17. On December 3, 2021, the FBI arrested WEBLER pursuant to a complaint issued by a United States Magistrate Judge for the Washington DC District Court in case number 1:21-mj-00607. The charged WEBLER with offenses related to his participation in the Capitol Riot on January 6, 2021.

18. On December 3, 2021, the FBI executed the search warrant at 2030 Shamrock Drive and seized the following:

- 3 silencers/sound suppressors
- A home made short-barrel rifle with a silencer attached to it.
- Firearms parts or tools or instruments to make or assemble a firearm (e.g., a jig)
- 1 box of ammo and 2 magazines of ammo all manufactured in the Phillipines.
- Methamphetamine found in a blue Chevrolet HHR at 2030 Shamrock.

Interstate Nexus for home-made/personally made firearm

19. During the course of this investigation the FBI learned that WEBLER acquired firearms and firearm parts from online firearms dealers operating outside of the State of Georgia. On or about April 14, 2021, on Facebook WEBLER wrote that he was purchasing a "fore grip from budsgunshop.com and stock from cheaperthandirt.com." The afore-noted sites are retailers that sell firearms and firearm parts. Budsgunshop.com engages in the business of selling ammunition, firearms, magazines, AR parts and accessories on the internet and has stores in Lexington, Kentucky, Greenville, Kentucky and Sevierville, Tennessee but none in Georgia. Cheaperthandirt.com is a company based in Fort Worth, Texas that engages in internet or online

sales of ammunition, firearms, AR 15 parts and firearms parts. It has no physical locations in Georgia.

20. On or about April 14, 2021, WEBLER posted the following with the photographs of firearms below: "Just finished my first 80% build. Its [sic] a .300 blackout 7 1/2" pistol kit from Thunder Tactical with Hera Arms CQR stock and fore grip. Next step is to get it dipped." Thunder Tactical does business on the Internet as Thundertactical.com and it offers for sale various firearms parts including AR-15 80% lowers, AR-15 rifle kits, AR-15 pistol kits, with a listed address in Daytona Beach, Florida. It has no physical location in Georgia. Hera Arms is a German company operating in the United States in Bluffdale, Utah. It has no physical locations in Georgia.

21. The Gun Control Act ("GCA") defines a "firearm" as: (A) any weapon (including a starter gun) which will or is designed to or may be readily converted to expel a projectile by the action of an explosive; (B) the frame or receiver of any such weapon. 18 U.S.C. § 921(a)(3). An AR-15 80% lower would constitute a frame or receiver of a firearm. Thus, the possession of the home-made rifle seized from 2030 Shamrock Drive was in or affecting interstate commerce and because he is a convicted felon, he is prohibited from possessing this rifle under 18 U.S.C. § 922(g)(1). Alternatively, WEBLER received a firearm which had been shipped or transported in interstate or foreign commerce when he received the various parts or components, he assembled to make the rifle, especially the lower receiver, all in violation of 18 U.S.C. § 922(g)(1) because he is a convicted felon.

Short-barrel rifle

22. The Gun Control Act ("GCA") defines a "rifle" as: "a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or

redesigned and made or remade to use the energy of an explosive to fire only a single projectile through a rifled bore for each single pull of the trigger.” 18 U.S.C. § 921(a)(7).

23. The Gun Control Act (“GCA”) defines as “short-barreled rifle” as: “a rifle having one or more barrels less than sixteen inches in length and any weapon made from a rifle (whether by alteration, modification, or otherwise) if such weapon, as modified, has an overall length of less than twenty-six inches. 18 U.S.C. § 921(a)(8).

24. According to a Special Agent from the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) who examined the rifle seized from 2030 Shamrock Drive, it has a short barrel of less than 16 inches.

25. ATF also advised the FBI that WEBLER did not register this short-barrel rifle with the National Firearm Registration and Transfer Record and thus is in violation of 26 U.S.C. §§ 5841, 5845 and 5861(d).

Silencer

26. The Gun Control Act (“GCA”) defines a “firearm silencer” or “firearm muffler” as: “any device for silencing, muffling, or diminishing the report of a portable firearm, including any combination of parts, designed or redesigned, and intended for use in assembling or fabricating a firearm silencer or firearm muffler, and any part intended only for use in such assembly or fabrication.” 18 U.S.C. § 921(a)(24).

27. The short-barrel rifle with the silencer attached appears to be the same rifle that on September 26, 2021 WEBLER posted a video to Facebook in which he took a rifle with a silencer/sound suppressor to a range to shoot and he commented, “quiet, quiet” and wrote “whisper quiet”.

28. ATF advised the FBI that WEBLER, or for that matter, no one registered the silencers found at 2030 Shamrock Drive with the National Firearms Registration and Transfer Record.

Webler's post arrest statements

29. After WEBLER's arrest he made the following statements:

- He admitted he participated in the Capitol Riot and he initialed a photograph.
- He said possession of short-barrel rifle is not illegal because it abridges his Second Amendment rights.
- He initially said that his wife home built the rifle but when confronted with evidence of what he posted on Facebook about assembling and manufacturing firearms he invoked his right to remain silent.

Conclusion

In sum, based on the information in the above there is probable cause to believe that Matthew J. WEBLER possessed a firearm after being convicted of an offense punishable by more than one year of imprisonment — i.e., a felony, in violation of 18 U.S.C. § 922(g)(1); he possessed silencers and a short-barrel rifle without registering them with the National Firearms and Transfer Record, in violation of 18 U.S.C. § 5841, 5845 and 5861(d); and he possessed methamphetamine in violation of 21 U.S.C. § 844.